

**THE MINUTES OF THE REGULAR SESSION OF THE MAYOR AND
CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, AZ
HELD ON THIS 5th DAY OF AUGUST, 2013**

The council may discuss, consider and take possible action pertaining to the following:

CALL TO ORDER- Mayor Bob Irvin called the regular session meeting to order on Monday, August 5, 2013 at 7:00 p.m. and welcomed everyone in attendance

ROLL CALL-City Clerk Virginia A. Mefford, called the roll:

PRESENT

Mayor Robert A. Irvin
Vice Mayor Bill Holloway
Councilman ~~Gerald W. Lindsey~~
Councilman Elwood A. Johnson
Councilwoman ~~Monika Cronberg~~
Councilman Earl Goolsby
Councilman William "Bill" Nigh

STAFF

City Manager Ted Soltis
City Clerk Virginia A. Mefford
City Attorney Ann P. Roberts
Finance Director Ruth Graham
Police Chief interim Glenn Childers
~~Public Services & Works Director John Bowen~~
Library Director Tom Miner
Development Services Jeff Stoddard

ABSENT

Councilman Gerald W. Lindsey-Excused
Councilwoman Monika Cronberg-Excused

PLEDGE OF ALLEGIANCE TO THE FLAG -led by Mayor Irvin

PROCLAMATIONS- From the office of the Governor declaring August as
"Child Support Awareness Month"

Chuck Broeder was presented with Proclamation.

Rex Allen Day's Inc. declaring from October 2-6, 2013

"Honoring Silver Screen Heroes"

Rosa Flores was presented with Proclamation. Ms. Flores thanked the council for all of their support.

CALL TO THE PUBLIC- Mr. Levin presented the City of Willcox with a Certification of Appreciation from the Chiricahua Fire Department for all of their support for the Fire District.

DECLARATION ON CONFLICT OF INTEREST: None

ADOPTION OF THE AGENDA

MOTION: Councilmember Johnson moved to approve the adoption of the agenda as presented.

SECONDED: Councilmember Goolsby **CARRIED**

APPROVAL OF MINUTES OF THE REGULAR MEETING OF JULY 15, 2013

MOTION: Councilmember Goolsby moved to approve Minutes of the Regular Meeting of July 15, 2013.

SECONDED: Mayor Irvin **CARRIED**

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PUBLIC HEARINGS

The Mayor and Council will receive comments from the public on those items scheduled for public hearing. For those persons unable to attend, written comments will be accepted until 4:00 p.m. on the day of the hearing in the Mayor and Council will receive comments from the public on those items scheduled for public hearing. For those persons unable to attend, written comments will be accepted until 4:00 p.m. on the day of the hearing in the Office of the City Clerk, 101 S. Railroad Avenue, Suite B, Willcox, AZ 85643. Comments will be duplicated and distributed to the Mayor and Council members prior to said hearing.

Public Hearing on Property Tax Levy 2nd, Public Hearing
Opened: 7:10 p.m.; DISCUSSION: None; CLOSED: 7:11 p.m.

ORDINANCE NS 315 REGARDING LEVYING A PRIMARY AND SECONDARY PROPERTY TAX UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY SUBJECT TO TAXATION, A SUM CERTAIN EACH ONE HUNDRED DOLLARS (\$100.00) OF ASSESSED VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE, FOR THE FISCAL YEAR ENDING JUNE 30, 2014

MOTION: Councilmember Goolsby moved to approve Ordinance NS 315 regarding levying a primary and secondary property tax upon the assessed valuation of the property within the city subject to taxation, a sum certain each one hundred dollars (\$100.00) of assessed valuation sufficient to raise the amount estimated to be required in the annual budget, less the amount estimated to be received from other sources of revenue, for the Fiscal Year ending June 30, 2014 **SECONDED:** Mayor Irvin. **AYES:** Mayor Irvin, Vice Mayor Holloway, Councilman Goolsby and Councilman Nigh. **NAYS:** Councilmember Johnson. **CARRIED**

RESOLUTION NO. 2013-59 REGARDING THE PURCHASE OF WORKER'S COMPENSATION NSURANCE THROUGH THE ARIZONA MUNICIPAL RISK RETENTION POOL ("A.M.R.P."). PRESENTATION GIVEN BY ED BANTAL

MOTION: Vice-Mayor Holloway moved to approve Resolution No. 2013-59 regarding the purchase of Worker's Compensation Insurance from The Arizona Municipal Risk Retention Pool ("AMRRP").
SECONDED: Councilmember Goolsby **DISCUSSION:** Mr. Bantal gave a presentation on the Workmen's Compensation insurance policy for FY14. Mr. Bantal explained the various factors used in calculating the premiums. They include: Class code, (EMOD) Experience modifier, Scheduled Credit payroll and rate (a premium rate established for each class). Effective loss control starts from the top down and AMRRP will be working with the City on training. Councilmember Goolsby asked why the experience factor for the third year doubled. Mr. Bantal stated that the increase was primarily from two claims. Vice Mayor Holloway stated that unfortunately this does stay with us for two more years. Councilmember Johnson asked if this was budgeted. Ms. Graham said that the increase was received after the payroll expenses had been calculated for the FY14 budget. However, with the reduced cost of health insurance from the amount budgeted we anticipate that overall payroll costs will stay within budget. **CARRIED**

RESOLUTION NO. 2013-60 REGARDING AUTHORIZING STAFF TO APPLY FOR GRANT FUNDING IN THE AMOUNT OF \$5,000.00 FROM THE UNION PACIFIC FOUNDATION FOR IMPROVEMENTS TO RAILROAD PARK

MOTION: Councilmember Johnson moved to approve Resolution No. 2013-60 regarding authorizing staff to apply for Grant Funding in the amount of \$5,000.00 from the Union Pacific Foundation for improvements to Railroad Park
SECONDED: Councilmember Goolsby **CARRIED**

RESOLUTION NO. 2013-61 REGARDING AUTHORIZING STAFF TO IMPLEMENT THE ABILITY FOR THE CITY TO ACCEPT PUBLIC DONATIONS BY UTILIZING THE INTERNET AND PAYPAL

MOTION: Vice Mayor Holloway moved to approve Resolution No. 2013-61 regarding authorizing staff to implement the ability for the City to accept public donations by utilizing the internet and PayPal. **SECONDED:** Councilmember Goolsby **DISCUSSION:** Councilmember Johnson asked if there was a cost to do this service. Ms. Graham stated there is a cost of about 2.9% plus \$0.30 per transaction. Mr. Johnson asked if this was the same charge as customers paying their utility bill on-line. Ms. Graham stated it is similar. Mr. Johnson asked if this cost could be

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passed on to the customer for this service and is there a large number of people are asking for this service. Interim Chief Childers explained that a lot of people would like to donate to the animal shelter and some do not live here in town and wanted to know if we had a way to donate through our website. **CARRIED**

RESOLUTION NO. 2013-62 REGARDING ACCEPTING AN AWARD OF GRANT FUNDS IN THE AMOUNT OF 10,100.00 TO THE WILLCOX DEPARTMENT OF PUBLIC SAFETY FROM THE OFFICE OF THE ARIZONA ATTORNEY GENERAL VICTIM'S RIGHTS FUND FOR FY 2014.

MOTION: Councilmember Goolsby moved to approve Resolution No. 2013-62 regarding accepting an award of grant funds in the amount of 10,100.00 to the Willcox Department of Public Safety from the Office of The Arizona Attorney General Victim's Rights Fund for FY 2014. **SECONDED:** Councilmember Johnson **CARRIED**

2. CITY MANAGER REPORTS

- Information on Mayor Irvin's question regarding the concrete for the Apron bid- City Manager Soltis explained that Mr. Bowen did look into this and it is for the correct specs.
- Cleaning up City owned property-Jeff Stoddard/John Bowen: Mr. Stoddard presented a short video that contained various areas of clean up around City owned property.
- Economic Development- Jeff Stoddard presented a video on new businesses that have come to the City of Willcox. City manager Soltis stated, "I do my best to get out on Fridays to visit various businesses. The important thing is to work together to do our best to get things done as soon as possible."
- Thank you Keeling-Schaeffer Vineyards and Coronado Vineyards for donating wine for the Arizona Municipal Clerk Association (AMCA) scholarship fundraiser.

3. COMMENTS NOT FOR DISCUSSION FROM MAYOR AND COUNCIL MEMBERS

Councilman Goolsby announced a week from today school will be starting.

Councilman Nigh stated everything seems to be running smoothly.

Vice Mayor Holloway stated there is nothing like our trees; they are so beautiful.

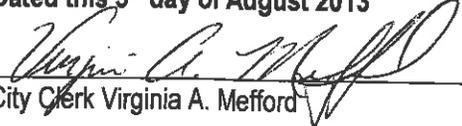
Mayor Irvin stated he went out to Apple Annie's country fest and it was a delight to go out there.

ADJOURN: With no further discussion the Mayor adjourned the meeting at 7: 44 p.m.

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the City Council of the City of Willcox held on the 5th day of August, 2013. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 5th day of August 2013


City Clerk Virginia A. Mefford

PASSED, APPROVED AND ADOPTED this 19th day of August, 2013.

MAYOR ROBERT A IRVIN

ATTEST:

Date signed: _____

City Clerk Virginia A. Mefford

**CITY OF WILLCOX
Request for Council Action**

Agenda Item: 8
Tab Number: 2
Date: 8-19-2013

Date Submitted:
August 13, 2013
Date Requested:
August 19, 2013

Action:
 Resolution
 Ordinance
 Formal
 Other

**Subject: The Willcox
Chamber of
Commerce is
requesting a street
closure on August 31,
2013 for a bike race
on Railroad Ave.**

To: Honorable Mayor and City Council
From: John Bowen, Director Public Services & Works

Discussion: The Willcox Chamber of Commerce is requesting a street closure from the intersection of E. Stewart and Railroad Ave to the intersection of Maley and Railroad. The Chamber of Commerce is requesting this closure for August 31, 2013 from 7:00 am until 5:00 pm for a bike race and reception.

Recommendation: Approve the street closure for the bike race on August 31, 2013

Fiscal Impact: \$0

Prepared By: Kate Schwartz
Kate Schwartz, Public Services and Works

Approved By: John Bowen
John Bowen, Director Public Services and Works

Approved By: Ted Soltis
Ted Soltis, City Manager

Street Closure Request Form

Name of Applicant

Willcox Chamber of Commerce

Address

1500 N Circle E rd

Date of Request

8/9/2013

Phone Number

520-384-2272

Event or Event Sponsor for Street Closure

Willcox Flyer

Date(s) Requested for Street Closure

August 31

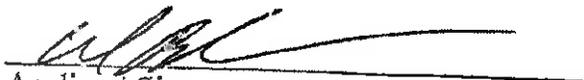
Times for Street Closure

7am - 5pm

Street(s) to be closed - Beginning and ending points.

Railroad Ave From the intersection of E Stewart and Railroad to the intersection of Malay and Railroad

The applicant understands that a certificate of liability insurance for \$1,000,000 naming the City of Willcox as additionally insured must be supplied with this application in order for the request to be fully executed and processed. Additionally, the City of Willcox requests that all adjacent property owners be notified of the intent to close the street and offered an opportunity to make comments to the Mayor and City Council. Comments may be submitted to the City Clerk prior to the council meeting or may be stated in the public meeting.


Applicant Signature

8/9/2013
Date

Received By

Date

PETITION TO CLOSE RAILROAD AVENUE

ON 31 AUGUST
DATE

FROM 0700 TO 1700 (5 P.M.)
START TIME END TIME

FOR THE PURPOSE OF Bike Ride
EVENT

REX ALLEN MUSEUM, OK TO CLOSE Thyler Book Co (Open for FARMERS MARKET)

WILLCOX HISTORIC THEATER, OK TO CLOSE Gary Clement

RODNEY'S, OK TO CLOSE Robyn E. Brown

FLYING LEAP, OK TO CLOSE _____

* OLD WEST MERCANTILE, OK TO CLOSE Shea Downey

* FRIENDS OF MARTY ROBBINS, OK TO CLOSE Granite Buckley

KEELING SCHAEFER, OK TO CLOSE _____

GALLERY 94, OK TO CLOSE _____

BIG TX, OK TO CLOSE _____

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item 9
Tab Number 3
Date: 8/5/13

Date Requested:
7/31/13

Resolution
 Ordinance
 Formal
 Other

**Subject: Removal of a
Public Library
Advisory Committee
member**

TO: MAYOR AND COUNCIL

FROM: Tom Miner, Library Director and the Public Library Advisory Committee

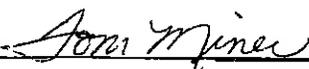
DISCUSSION: Per Title 2, Chapter 4, Section 2-4-3B of the Willcox City Code regarding removal of a Library Advisory Committee member, it states "Should a member have three (3) un-excused absences, in succession, the member will be removed from the Advisory Committee by the Mayor and City Council. Members may be removed by a majority vote of the City Council without the necessity of a hearing or notice of such action, and such action shall be final. (Ord. NS199, 9-30-1997; prior code § 2.22.020)(2008 Code, NS283, 2-18-2008)".

The Committee is recommending removal of member Jeffrey S. Shroyer by the Mayor and Council at this time, in accordance with the above-referenced Code. Mr. Shroyer had not attended a meeting since Sep 2012. He had an excused absence in November, but missed the Jan, Mar, and May 2013 meetings, failing to contact either the Library staff or the Committee Chairperson. The Committee regrets taking this action, but feels it is necessary to move forward, and find someone who has more interest in helping the Library. They are about to embark on development of a new 5-Year Strategic Plan for the Library, an important role for this Committee to participate in, and they need members who will step up to the plate and do whatever is necessary to accomplish that. Mr. Shroyer did attend the July 30 PLAC meeting to ensure the Committee had a quorum, and offered no information as to his actions and lack of attendance. He then voted in favor of his removal from the Committee. The Committee in turn, thanked him for his years of service and wished him luck in the future.

RECOMMENDATION: The City Council approve the Public Library Advisory Committee's request and remove Mr. Jeffrey S. Shroyer from the Committee, and direct staff to advertise to fill both vacancies as soon as possible.

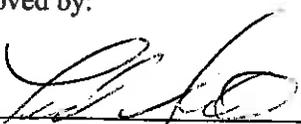
FISCAL IMPACTS: None

Submitted by:



Tom Miner, Library Director

Approved by:



Ted Soltis, City Manager

CITY OF WILLCOX
ELSIE S. HOGAN COMMUNITY LIBRARY
Phone: 520/766-4250 Fax: 520/384-0126



100 North Curtis Avenue
Willcox, Arizona 85643-2150
Email: triner@willcoxcity.org

"Yours, Mine and Ours"

Terri DeWindt, Chairperson
Jeffrey S. Shroyer, Member

VACANT, Vice-Chair
Christopher D. Donahue, Member & Ex-Officio

Kay M. Boughton, Secretary

PUBLIC LIBRARY ADVISORY COMMITTEE

July 30, 2013

RE: Removal of PLAC Member

TO: Honorable Mayor and City Council

Lady and Gentlemen,

Per Title 2, Chapter 4, Section 2-4-3B of the Willcox City Code regarding removal of a Library Advisory Committee member, it states "Should a member have three (3) un-excused absences, in succession, the member will be removed from the Advisory Committee by the Mayor and City Council. Members may be removed by a majority vote of the City Council without the necessity of a hearing or notice of such action, and such action shall be final. (Ord. NS199, 9-30-1997; prior code § 2.22.020)(2008 Code, NS283, 2-18-2008)".

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Thank you for your consideration in this matter.

Sincerely,

Terri DeWindt,
Chairperson

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item: 10
Tab Number: 4
Date: 08/19/2013

Date Submitted:
08/09/2013

Date Requested:
08/19/2013

Action:
 Resolution
 Ordinance
 Formal
 Other

**Subject: Appointment
to the Library Advisory
Committee, to fill 1 term
expiring June 30, 2016.**

TO: MAYOR AND COUNCIL

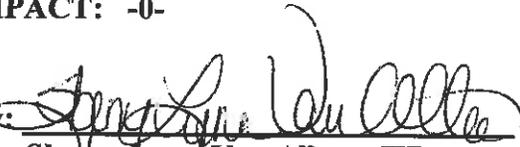
FROM: Sherry Lynn Van Allen, Human Resources

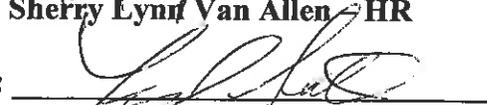
DISCUSSION: In accordance with the Willcox City Code Title 2-Chapter 2-2-3 Appointment; Terms; Vacancies; Removals: vacancies shall be filled by appointment by the Mayor and City Council. There are currently two (2) open positions on this board. City staff has advertised in the Arizona Range News and on our website to fill the vacancies. Staff has received one (1) letter in response to the advertisement.

A letter was received for consideration for appointment to the Library Advisory Committee from Heidi Nuzzo. This appointment will fill one of the two vacancies with the term expiring on June 30, 2016.

RECOMMENDATION: For the Mayor and Council to appoint Heidi Nuzzo, if so desired, to the Library Advisory Committee to fill one of the current vacancies.

FISCAL IMPACT: -0-

Prepared by: 
Sherry Lynn Van Allen - HR

Approved by: 
Ted Solfis, City Manager

July 31, 2013

To Mayor and Council:

I would like to be considered for one of the vacancies on the Willcox PLAC.

In the past, I have volunteered a lot of my time to programs that my children are involved in. I have a vested interest in the long term success of our community, specifically the continued operation of the Elsie S. Hogan Community Library. The library is an essential component to the quality of life within the community. Over the past few years there has been a loss of services in our community; I would like to participate in the preservation of the library's services.

I believe that I would be able to add greatly to the library committee. In previous work environments I have contributed my analytical and organizational skills. My energy allows me to follow through on normal workflow as well as special projects.

Thank you for taking the time to consider me for the vacancy on the Willcox PLAC.

Regards,

A handwritten signature in cursive script that reads "Heidi Nuzzo". The signature is written in black ink and is positioned below the "Regards," text.

Heidi Nuzzo

1402 W. Quail Run Ln

Willcox AZ 85643

520-507-4114

hharris_071006@hotmail.com

CITY OF WILLCOX
Request for Council Action

Agenda Item: 11
Tab Number: 5
Date: 8-19-2013

<hr/> Date Submitted: August 6, 2013 Requested: August 19, 2013	<hr/> Action: <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Formal <input checked="" type="checkbox"/> Other	<hr/> Subject: Waiving fees for local 4-H and FFA clubs at Quail Park.
<hr/>	<hr/>	<hr/>

To: Honorable Mayor and City Council

From: John Bowen, Director Public Services & Works

Discussion: The 4-H and FFA is planning on holding a Gymkhana, as part of the Cochise County Fair, on August 25, 2013 from 6:00 am until 6:00 pm at Quail Park. This event is free to the public.

Recommendation: Mayor and Council grant permission for the waiver of fees. This is an event for the children who participate in the 4-H and FFA clubs in the local area.

Fiscal Impact: 100.00

Prepared By: Kate Schwartz
Kate Schwartz, Public Services and Works

Approved By: John Bowen
John Bowen, Public Services and Works Director

Approved By: Ted Soltis
Ted Soltis, City Manager

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA
Facilities Use Agreement

This Agreement made this 6th day of August, 2013
between Cochise County 4-H ("PARTICIPANT") and
the City of Willcox through the City Public Works Department ("CITY") for the use of the
City owned facilities by a private organization.

ARTICLE I -- TERM OF AGREEMENT:

The term of this agreement shall be August 25, 2013, through
August 25, 2013, unless earlier terminated by either party.

Please note starting time and ending time TO INCLUDE set up and tear down.

6:00 am start time 6:00 pm end time

Notice of termination shall be provided at least ninety (90) days prior to the effective termination date.

ARTICLE II -- CITY OWNED FACILITIES:

This agreement shall be for the use of Main Arena
(facility and area/s)

to be used for Cochise County Fair 4-H / FFA Horse Show
(type of event)

to be used by 4-H / FFA members & family
(example: public, family, friends)

PARTICIPANT wishes to use certain City owned facilities and the CITY is willing to permit the PARTICIPANT the primary use of the facilities under the conditions indicated in this Agreement and any Exhibit attached hereto during the term of this Agreement.

CITY agrees that it will perform the duties as outlined in Attachment "A".

PARTICIPANT agrees it will perform the duties as outlined in Attachment(s) "B".

PARTICIPANT agrees to pay the fees as are listed on Attachment "C".

ARTICLE III -- INDEMNIFICATION AND INSURANCE

PARTICIPANT agrees to secure liability insurance ten (10) days prior to the event to cover the term of this agreement in not less than the amount of one million dollars (\$1,000,000.00) which names the City as additionally insured and including required endorsement.

Each party agrees to be responsible for the conduct of its operations and performance of contract obligations and for any accidents or injuries to persons or property arising out of acts or omissions by its officers, agents or employees acting in the course or scope of their participation while performing duties undertaken pursuant to this Agreement.

The PARTICIPANT agrees to hold harmless the City, its officers, employees and agents from all losses, suits, damages or costs of any kind, including reasonable attorney's fees, defense costs and expenses arising from PARTICIPANT performance pursuant to this Agreement. The PARTICIPANT shall provide the CITY with current insurance certificates or the evidence of coverage as appropriate.

The CITY agrees to hold harmless the PARTICIPANT, its officers, employees and agents from all losses, suits, damages or costs of any kind, including reasonable attorney's fees, defense costs and expense arising from the CITY performance pursuant to this Agreement.

ARTICLE IV --- MISC. PROVISIONS:

CANCELLATION FOR CONFLICT OF INTEREST

This Agreement may be canceled pursuant to A.R.S. § 38-511, the pertinent provisions of which are fully incorporated herein by reference.

NONASSIGNABILITY

Neither party may assign a duty or responsibility under this Agreement without the prior written consent of the other party.

RIGHTS/OBLIGATIONS OF PARTIES ONLY

The terms of this Agreement are intended only to define the respective rights and obligations of the parties. Nothing expressed herein shall create any rights or duties in favor of any potential third party beneficiary or other person, agency or organization.

NOTICE REQUIREMENTS

All notices, requests for payment, or other correspondence between the parties regarding this Agreement shall be mailed or delivered to the respective party as follows:

If to the CITY: City of Willcox, Public Services and Works
250 N. Railroad Avenue
Willcox, Arizona 85643

If to the PARTICIPANT:

Name: Gary Adams

E-Mail Address: cgadams@vtc.net

Organization: Stewart District 4-H

Contact Phone Number(s): (520) 384-2653 (520) 507-0441

Mailing Address: 2009 W. Airport Rd. Willcox, Az 85673

SEVERABILITY

Each provision of this Agreement stands alone and, if any provision of this Agreement is held, in whole or in part, to be unenforceable for any reason, the remainder of the provision and of the entire Agreement will be severable and remains in effect.

ENTIRE AGREEMENT

This document constitutes the entire Agreement between the parties pertaining to the subject matter hereof, and all prior or contemporaneous agreements and understandings, oral or written, are hereby superseded and merged herein. This Agreement may be modified, amended or extended only by a written amendment approved by the parties.

GOVERNING LAW

This Agreement shall be construed under the laws of the State of Arizona and shall incorporate, by reference, all laws governing mandatory contract provisions required by statute or executive order.

IN WITNESS WHEREOF, the Parties hereby enter into this Agreement as of the day and year written above.

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA

[Signature]
Signature

8-7-13
Date

Oscar Hudson
Printed Name

Facilities & Parks Supervisor
Title

PARTICIPANT

[Signature]
Signature

8-5-13
Date

Gary A. Adams
Printed Name

4-H Leader
Title

Attachment "A"
Quail Sports Park

The City of Willcox Facilities & Maintenance section of Public Services & Works will perform the following:

<p>Field # 1</p> <p><input type="checkbox"/> <input type="checkbox"/> Drag and Dress</p> <p><input type="checkbox"/> <input type="checkbox"/> Set Bases at _____</p> <p><input type="checkbox"/> <input type="checkbox"/> Set Pitcher's plate at _____</p> <p><input type="checkbox"/> <input type="checkbox"/> Construct pitcher's mound with the following specification: _____ _____</p> <p><input type="checkbox"/> <input type="checkbox"/> Discontinue Irrigation on _____</p> <p>Field # 2</p> <p><input type="checkbox"/> <input type="checkbox"/> Drag and Dress</p> <p><input type="checkbox"/> <input type="checkbox"/> Set Bases at _____</p> <p><input type="checkbox"/> <input type="checkbox"/> Set Pitcher's plate at _____</p> <p><input type="checkbox"/> <input type="checkbox"/> Construct pitcher's mound with the following specification: _____ _____</p> <p><input type="checkbox"/> <input type="checkbox"/> Discontinue Irrigation on _____</p>	<p>Field #1 & #2</p> <p><input type="checkbox"/> <input type="checkbox"/> Provide Key AL2, Concession Stand</p> <p><input type="checkbox"/> <input type="checkbox"/> Provide Key AL1, Restrooms</p> <p><input type="checkbox"/> <input type="checkbox"/> Provide Key _____, Padlock</p> <p>Rodeo</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Provide Key AL4, Concession Stand</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Provide Key AL5, Restrooms</p> <p><input type="checkbox"/> <input type="checkbox"/> Provide Key IDCO "0", Arena Lights</p> <p><input type="checkbox"/> <input type="checkbox"/> Review Operation of Lights</p> <p><input type="checkbox"/> <input type="checkbox"/> Provide Key Ace KW1, Ticket Booth</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Provide Key AL7 & Kwikset 5, Announcer Stand</p> <p><input type="checkbox"/> <input type="checkbox"/> Provide Key Kwikset & AL6, South Booth</p>
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Unless otherwise specified trash cans are emptied, restrooms are cleaned and restocked on a daily basis during weekdays.

Arrangements for additional tasks may be requested by speaking with the Facilities and Maintenance Supervisor or the Public Services & Works Director.

Special Arrangements:

Work arena day before (Friday) and water if necessary. needs water truck drag.

The "Participant" is responsible for establishing control of the area(s) requested for use. The City of Willcox is not responsible for loss due to acts of God or vandalism or by actions of others not affiliated with the City of Willcox.

Attachment "B"
Quail Sports Park Checklist

The Participant agrees to perform the following tasks:

<p>General</p> <p><input type="checkbox"/> <input type="checkbox"/> Obtain appropriate keys one business day prior to the event, by 3:30PM.</p> <p><input type="checkbox"/> <input type="checkbox"/> Return keys within two (2) business days of event conclusion.</p> <p><input type="checkbox"/> <input type="checkbox"/> Learn how to use ball field lights.</p> <p><input type="checkbox"/> <input type="checkbox"/> Learn how to use infield irrigation.</p> <p>Prepare Ball Fields</p> <p><input type="checkbox"/> <input type="checkbox"/> Place Chalk Lines</p> <p><input type="checkbox"/> <input type="checkbox"/> Verify Base Placement</p> <p>Prepare Arena(s)</p> <p><input type="checkbox"/> <input type="checkbox"/> Water Arenas</p> <p><input type="checkbox"/> <input type="checkbox"/> Prepare Ground in Arena(s) for Event.</p> <p><input type="checkbox"/> <input type="checkbox"/> Place Anchors for Barrels Race</p> <p><input type="checkbox"/> <input type="checkbox"/> Erect Additional Panels for Stock</p> <p>Vendor(s)</p> <p><input type="checkbox"/> <input type="checkbox"/> Request to waive requirement for all vendors to have individual permits.</p>	<p>Cleaning</p> <p>Cleaning consists of removing all litter, sweeping and mopping the concession stand and tying up garbage bags and placing them in the dumpster. All areas should be left in the same or better condition as received.</p> <p><input type="checkbox"/> <input type="checkbox"/> Clean Restrooms</p> <p><input type="checkbox"/> <input type="checkbox"/> Clean Dugouts</p> <p><input type="checkbox"/> <input type="checkbox"/> Fill in holes in batter's box</p> <p><input type="checkbox"/> <input type="checkbox"/> Fill in holes at all bases</p> <p><input type="checkbox"/> <input type="checkbox"/> Fill in holes in front of pitcher's mound</p> <p><input type="checkbox"/> <input type="checkbox"/> Clean Ball field Concession</p> <p><input type="checkbox"/> <input type="checkbox"/> Clean Rodeo Concession</p> <p><input type="checkbox"/> <input type="checkbox"/> Clean South Booth</p> <p><input type="checkbox"/> <input type="checkbox"/> Clean Announcer Stand</p> <p><input type="checkbox"/> <input type="checkbox"/> Clean Ticket Booth</p> <p>If Serving Alcohol</p> <p><input type="checkbox"/> <input type="checkbox"/> Obtain Special Event Liquor License with the Arizona Department of Liquor.</p> <p><input type="checkbox"/> <input type="checkbox"/> Provide Liquor Liability Insurance in the amount of \$1,000,000 naming the City of Willcox as additionally insured.</p> <p><input type="checkbox"/> <input type="checkbox"/> Provide Security approved by Willcox Public Safety Department.</p>
---	--

- Participant is responsible for notifying Parks & Facilities Maintenance of items that need special attention or repair.
- All equipment or personal items belonging to the "Participant" shall be removed by 8:00 a.m. on the day following the event.
- Premises shall be left clean and in good repair or deposit will be surrendered. Others charges may be assessed if significant damage occurs.
- City of Willcox officials reserve the right to enter / inspect the premises during the event.
- The "Participant" is responsible for establishing control of the area(s) requested for use. The City of Willcox is not responsible for loss due to acts of God or vandalism or by actions of others not affiliated with the City of Willcox.

Contact information:

Public Services & Works -----766-4213
 Facilities & Park Maintenance-----507-0442
 On-call -----766-2201

Attachment "C"
Quail Sports Park Rodeo Fee Schedule

Deposit and Rental Fees

All Deposits, Fees, Proof of Insurance & Special Permits or Licenses must be tendered 10 days prior to event date in order to finalize scheduling details.

	Fee Description	Fee Amount	Number of Days	Subtotal	Cash Rec'd.	Check#	Rept. #
X	Reservation Deposit	\$50.00		\$50.00			
	Rodeo Main Arena	\$100.00	1				
	Bull Riding Main Arena	\$100.00					
	Roping Main Arena	\$100.00					
	Barrel Race Main Arena	\$50.00					
	Gym-Kana Main Arena	\$50.00					
	Horse Show Main Arena	\$50.00					
	Play Day Main Arena	\$50.00					
	Roping Warm-up Arena						
	Barrel Race Warm-up Arena						
	Horse Show Warm-up Arena						
	Play Day Warm-up Arena						
	Concession Stand	\$50.00					
	Main Arena Lights	\$25.00					
Total Fees Due							

and warm up arena

* Request to waive fees through City Council. Please attach event details. *4-H Cochise County Fair 4-H Horse Shows*

- The City of Willcox reserves the right to refuse reservations.
- Must be at least 21 years of age to reserve facilities.
- Participant may reserve one (1) day prior to the event to set up for event without additional charge for the day providing another event is not already scheduled.
- Under normal circumstances; fees and certificate of insurance must be remitted ten (10) days prior to the scheduled use.
- All fees must be paid prior to the issuance of keys.
- Cancellation of reservation within five (5) days of the activity will result in surrender of \$50.00 deposit and 1/2 of rental fees.
- Returned checks are subject to a twenty-five dollar (\$25.00) fee.

Condition Verification

I have inspected the condition of the facilities specified under this agreement and have found them to be in _____ Satisfactory _____ Unsatisfactory condition.

I recommend that _____ All _____ None _____ Other _____ of the deposit be returned.

_____ Significant damage has occurred directly related to this event.

Damages are estimated to cost _____ which must be remitted within five (5) days.

 City of Willcox Representative Signature

 Date

CITY OF WILLCOX
Request for Council Action

Agenda Item: 12
Tab Number: 6
Date: 8-19-2013

<hr/> Date Submitted: August 6, 2013 Requested: August 19, 2013	<hr/> Action: <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Formal <input checked="" type="checkbox"/> Other	<hr/> Subject: The City of Willcox would like to purchase a filter controller for the pool
--	---	---

To: Honorable Mayor and City Council
From: Oscar Hudson, Public Facilities Supervisor

Discussion: The City of Willcox Parks Department would like to order a filter control system for the pool. The old filtration controller is nearly 20 years old and needs to be replaced. The filtration controller controls every aspect of the filtration system, pump on pump off, pressure differential backwash, timer backwash, heater, temperature settings, flow rates etc. This controller needs to be replaced because the old controller has failed in numerous areas of operation and no replacement parts are available.

The sole provider in Arizona is Aquatic Environmental Systems, Inc. located in Tempe AZ. The next closest is Knorr Systems, Inc. located in Santa Ana, CA, but the shipping costs are high and not economically feasible.

Recommendation: Approve the filter control

Fiscal Impact: \$8337.33 includes tax, a 5 year warranty and installation. This item was budgeted in the 2013-2014 budget in the amount of \$10,000.00

Prepared By: Kate Schwartz
Kate Schwartz, Public Services and Works

Approved By: Gary A. Adams
Gary Adams, Streets Supervisor/Acting Public Works Director

Approved By: Ted Soltis
Ted Soltis, City Manager



Quote

AQUATIC ENVIRONMENTAL SYSTEMS, INC.
 1733 E. McKellips Rd.
 Suite 108
 Tempe AZ 85281
 Fax: (480) 947-3414
 Phone: (480) 947-3400

Date	Estimate #
8/6/2013	QT10196

Bill To
CITY OF WILCOX 101 S. Railroad Ave. Wilcox AZ 85643 United States

Ship To
CITY OF WILLCOX Public Services and work 250 N. Railroad Ave Willcox AZ 85643 United States

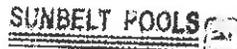
Phone No.	Fax No.	Expires	Sales Rep	Project	Memo
(520) 384-6447	(520) 384-3993	10/5/2013	Jones, Chuck		BECSysBW
		Terms	Ship Via	Ship Date	FOB
		Net 30		8/6/2013	SHIP POINT

Item	Quantity	Description	Options	Rate	Tax	Amount
SPECIAL EQUIPMENT ORDER	1	BECSysBW-ITXX FILTER BACKWASH CONTROLLER WITH 100BaseT ETHERNET, BECSys FOR WINDOWS, 5 YEAR ELECTRONICS WARRANTY FILTER INTERFACE PANEL FOR 4 TANK SYSTEM WITH 4mm ORIFICE SOLENOIDS PER SELECTION (4), INFLUENT AND EFFLUENT GAUGES, DIFFERENTIAL PRESSURE SWITCH, MRX-24 CONTROL ELECTRONICS		6,498.00	Yes	6,498.00
LABOR - INSTALLATION	1	INSTALLATION LABOR Removal of the EPD controls. Mount BECS controller and interface panel Run the small 3 wire communications wire from the BECSYSBW to the filter interface Install all necessary tubing for filter interface, gauges, and solenoids. Program controller and train personnel Site to provide electrician. Electrical changes will be (but are not limited to) Move all necessary wires from existing EPD controller to the new BECS controller. The BECS controller will be mounted on a wall not on the filter system. Extend / and reroute wires from heaters, filtration pumps, or electrical ties to other equipment if necessary. Provide 120 volt power to the BECSYSBW controller as well as the filter interface panel.		1,300.00		1,300.00
				Subtotal		7,798.00
				Tax (Tempe Sales Tax 8.3%)		539.33
				Total		\$8,337.33

Distributors



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 3820 S. Federal Blvd.
 Sheridan, CO 80110
 P: 303-762-9470
 X: 303-761-1499
www.cemwater.com



SUNBELT POOLS
 10555 Plano Rd.
 Dallas, TX 75238
 P: 214-343-1133
 X: 214-343-1201
www.sunbeltpools.com



AQUATIC SPECIALTY SERVICES
 1605 South 9rd Street
 #EF
 Seattle, WA 98108
 P: 206-275-0694
 X: 206-275-2229
www.aquaticspecialty.com



COMMERCIAL ENERGY SPECIALISTS, INC.
 860 Jupiter Park
 Dr. Suite 2
 Jupiter, FL 33458
 P: 800-940-1557
 X: 561-746-5898
www.ceswaterquality.com



SPEAR CORPORATION
 7 South Walnut
 Roachdale, IN 46172
 P: 800-642-6640
 X: 765-522-1702
www.spearcorp.com



FILLION ASSOCIATES
 35 Tallman Ave.
 East Providence, RI 02914
 P: 800-776-7665
 X: 401-438-6599
www.fillionassociates.com



B&B POOLS
 31071 Industrial Rd.
 Livonia, MI 48150
 P: 734-522-6440
 X: 734-427-3235
www.bandbpoools.com

AQUATIC ENVIRONMENTAL SYSTEMS, INC.
 1733 McKellips Road,
 Suite 108
 Tempe, AZ 85281
 P: 800-833-7665
 X: 480-947-3414
www.aes-sv.com



AQUA LOGIC
 501 Industrial Blvd.
 Waconia, MN 55387
 P: 952-856-7550
 X: 952-856-7551



MAINLINE COMMERCIAL POOLS, INC.
 441 Feheley Dr.
 King of Prussia, PA 19406
 P: 610-279-9285
 X: 610-277-4276
www.mainlinepools.com

Duffield Aquatics, Inc.
DUFFIELD AQUATICS, INC.
 515 Concord Industrial Dr.
 Seneca, SC 29672
 P: 888-669-7551
 X: 864-882-7067
www.duffieldaquatics.com

Associated Supply Company

ASSOCIATED SUPPLY COMPANY, Inc.
 2121 Lovett Ave.
 Bismarck, ND 58504
 P: 701 258-7302
 X: 701-224 9729



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of Aquatic Resources

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Santa Ana, CA 92707
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X: 714-754-1405
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McFarland, WI 53558
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X: 319-283-1811
www.carricoaquatics.com



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Handross, West Sussex
RH17 6HB England
www.aquatrol.co.uk



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Fairfax Station, VA
22039
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X: 301-576-5583
www.endlessummeraquatics.com

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CITY OF WILLCOX
Request for Council Action

Agenda Item: 13
Tab Number: 7
Date: 8-19-2013

Date Submitted:
August 9, 2013
Date Requested:
August 19, 2013

Action:
 Resolution
 Ordinance
 Formal
 Other

Subject: Trimming
and crowning of
historic trees in
Railroad Park.

To: Honorable Mayor and City Council

From: Public Services and Works

Discussion: Staff has had discussions and concerns about the health of the trees in Railroad Park. I met with Mr. Bill Cook from the State Agriculture Extension Service to look at the trees. He stated that old trees are inclined to have progressively more dead wood, and would benefit from the weight removal as well as aesthetic improvement. The conversation also moved to the liability factor from falling limbs.

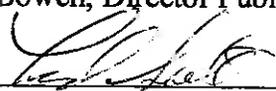
I started calling certified arborist firms in early July with little response and no one willing to travel to Willcox to give a bid. Bartlett Tree Experts transferred my call to Mr. Rick Allen who was familiar with the trees in Railroad Park, naming the number and species of each. He had contracted to prune the trees in 1996 and had personally done the work. His knowledge of the trees and their historic value, as well as the obvious workmanship, was still evident. The consensus is that the trees need trimming before the weight and dead wood causes a failure that would ruin the aesthetic value of these historic trees or cause personnel or property damage.

Recommendation: Staff recommends that we contract with Bartlett Tree Experts for the trimming and crown reduction of the trees at Railroad Park. If approved, the work can start August 21, 2013 and be completed by August 24, 2013. This would leave ample time for the turf to recover before Rex Allen Days and the fall wine festival in the park.

Fiscal Impact: \$6840

Prepared By: _____
Kate Schwartz, Public Works

Approved By:  _____
John Bowen, Director Public Works

Approved By:  _____
Ted Soltis, City Manager



Client:

City of Willcox
250 N Railroad Ave
Willcox, AZ 85643
Business: 1-520-384-6447
E-Mail Address: jbowen@willcoxcity.org

Printed on: 7/15/2013
Created on: 7/15/2013

Bartlett Tree Experts
Rick Allen - Representative
2035 E 14th St.
Tucson, AZ 85719
Business: 520-628-9699
Fax Number: 520-629-0171
E-Mail Address: rfallen@bartlett.com
Bus. Reg. ID: ROC 251150

Property Address: Railroad Park, Railroad Ave, Willcox, AZ 85643

The following program is recommended for certain trees and shrubs on your property. In addition to a thorough plant health care program, Bartlett Tree Experts recommends having a qualified arborist inspect your property periodically to assist you in identifying potential risks or hazardous conditions relating to your trees or shrubs. THIS IS NOT AN INVOICE.

Railroad Historic Park Tree Trimming 2013
Arborist to show specifications

Certified Arborist to be on site
Prune to reduce branch failure potential while still maintaining aesthetics
Crew to chip resulting brush - larger wood to remain on site
Final cleanup - raking, blowing etc to be completed by City of Willcox employees
City of Willcox to:
Provide suitable nearby location for dumping debris
Assist in work zone safety barricades/tape to keep general public away during pruning operations

Aerial Lift access on lawn will be required - some rutting of lawn may occur
Recommend discontinue irrigation as appropriate prior to scheduled trimming

Tree and Shrub Work

Prune Siberian Elm located at the south side of park according to the following specifications:

- Clean to remove all dead, diseased and broken branches 1" in diameter and larger throughout crown to improve health and appearance and reduce risk of branch failure.
- Thin crown to remove approximately 15% of live branches to reduce weight of branch ends. Most thinning cuts will be between 2 and 4 inches in diameter.
- Structural prune to reduce risk of branch failure.
 - ▣ Subordinate rapidly growing lateral branches
 - ▣ Remove poorly attached branches
 - ▣ Remove dead and broken branches

Chip brush - leave larger wood on site - NOTE: final cleanup to be completed by the City of

Willcox.

- Historic Tree

Prune to reduce branch end weight while maintaining aesthetics and form

Some larger branch may need to be subordinated to reduce failure potential

Elevate lower limbs

Prune Arizona Ash located at the center of park according to the following specifications:

- Thin crown to remove approximately 20% of live branches to reduce crown density. Most thinning cuts will be between 1 and 3 inches in diameter.
- Clean to remove all dead, diseased and broken branches ½" in diameter and larger throughout crown to improve health and appearance and reduce risk of branch failure.

Chip brush - leave larger wood on site - NOTE: final cleanup to be completed by the City of Willcox.

- Subordinate over weighted branch ends to reduce failure potential
- Thin to provide a filtered view to main scaffold structure
- Remove storm damaged branches

Prune Siberian Elm located at the north side of park (center) according to the following specifications:

- Clean to remove all dead, diseased and broken branches 1" in diameter and larger throughout crown to improve health and appearance and reduce risk of branch failure.
- Structural prune to reduce risk of branch failure.
 - ▣ Remove poorly attached branches
 - ▣ Remove dead and broken branches

Chip brush - leave larger wood on site - NOTE: final cleanup to be completed by the City of Willcox.

- Reduce canopy height as appropriate following dead wood removal to provide consistent crown shape

Prune Cottonwood located at the north side of park according to the following specifications:

- Clean to remove all dead, diseased and broken branches 1" in diameter and larger throughout crown to improve health and appearance and reduce risk of branch failure.
- Structural prune to reduce risk of branch failure.
 - ▣ Subordinate rapidly growing lateral branches
 - ▣ Remove poorly attached branches
 - ▣ Remove dead and broken branches

Chip brush - leave larger wood on site - NOTE: final cleanup to be completed by the City of Willcox.

- Remove large dead leaders to source
- Reduce outer canopy branch end weight
- NOTE: Internal decay likely in trunk and/or large scaffold branches

Client: City of Willcox

Printed on: 7/15/2013

Created on: 7/15/2013

Total Amount: \$6,840.00

Please review the information and the terms and conditions attached, which become part of the agreement, and sign and return one copy authorizing the program.

(Customer Signature)

(Date)

(Bartlett Representative - Rick Allen)

(Date)

- * Sales tax added where applicable. Prices are guaranteed if accepted within thirty days.
All accounts are net payable upon receipt of invoice.
Work is done in accordance with ANSI standards.

A Job Site Safety Analysis was completed for your property, please contact your arborist for further details.

**CITY OF WILLCOX
REQUEST FOR COUNCIL ACTION**

Agenda Item 14
Tab Number 3
Date: 8/19/13

Date Requested:
8/2/13

Resolution
 Ordinance
 Formal
 Other

Subject:
Approval and
Adoption of 2013
Updates to the Library
General Policy

TO: MAYOR AND COUNCIL

FROM: Tom Miner, Library Director and the Public Library Advisory Committee

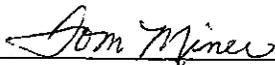
DISCUSSION: The 2013 Library bi-annual policy updates were recently drafted, reviewed, finalized and approved by the Public Library Advisory Committee members, the Library Director and staff, the City Manager, and the City Attorney. Their recommendations have all been incorporated and are now forwarded for your consideration, approval and adoption.

A new ARS recently came into effect in Mar 2013, requiring Internet filtering wording to be added to all Library general policies, stating that we are in compliance with the new law, or, *no more State and Federal funding*. I have been working for the past month on this new added section (XVII) of the ESH Library General Policy. The preceding section XVI deals with our Internet, Wireless and Computer Use Policy, so the new section XVII ties right in with that. I have worded this new section specifically according to the wording of the new ARS, included a FAQ page to help normal everyday patrons understand it better, and also created a mechanism for patrons to request "unfiltering" a particular website. Once the policy update is approved, I must send a copy to the State Library so they know we are in compliance. Between now and then, we will purchase and install new additional filtering equipment for the wireless network, and replace our old one with a much better one, using the latest technology.

RECOMMENDATION: The City Council approve the Resolution adopting the 2013 updates to the Library General Policy.

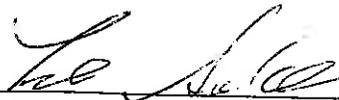
FISCAL IMPACTS: \$1500.00 for additional filtering equipment.

Submitted by:



Tom Miner, Library Director

Approved by:



Ted Soltis, City Manager

CITY OF WILLCOX, COCHISE COUNTY, ARIZONA

RESOLUTION 2013-63

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, COCHISE COUNTY, ARIZONA, APPROVING UPDATES TO THE LIBRARY POLICIES FOR THE ELSIE S. HOGAN LIBRARY.

WHEREAS, the City of Willcox is authorized pursuant to Title 9, A.R.S. §§9-413 and 9-419 to establish a Library fund and to authorize the use of land and structures for a public library; and,

WHEREAS, each year, biannually, the Library policies for the Elsie S. Logan Community Library are reviewed by the Public Library Advisory Committee, the Library Director, the City Manager and the City Attorney, and if necessary, are updated for presentation to the Mayor and City Council for final approval; and,

WHEREAS, changes to the Library Internet Policy have been drafted and approved by the Public Library Advisory Committee and City staff and are being presented to the Mayor and City Council for their consideration and possible approval as set forth on Exhibit "A", attached hereto and by reference, incorporated herein; and,

WHEREAS, the Mayor and City Council desire to have this item presented at their August 19, 2013, regular City Council Meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLCOX, ARIZONA, as follows:

SECTION 1: The Mayor and City Council hereby authorize and approve the changes to the Library Internet Policy for the Elsie S. Hogan Community Library as drafted and approved by the Public Library Advisory Committee and City staff presented herewith as set forth on Exhibit "A", attached hereto and by reference, incorporated herein; and,

SECTION 2: That the Library Director and City staff are hereby authorized and empowered to implement the Public Library Advisory Committee and City staff presented herewith as set forth on Exhibit "A", attached hereto and by reference, incorporated herein; and,

SECTION 3: That the Mayor is authorized and empowered to execute the Resolution as presented.

**PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF
THE CITY OF WILLCOX, ARIZONA, this 19th day of August, 2013.**

APPROVED/EXECUTED:

ROBERT A. IRVIN, MAYOR

ATTEST:

VIRGINIA A. MEFFORD, City Clerk

APPROVED AS TO FORM:

ANN P. ROBERTS, City Attorney

RESOLUTION 2013-63

XVI. LIBRARY INTERNET, WIRELESS & COMPUTER USE POLICY (2012)

In accordance with the mission of the Elsie S. Hogan Community Library, public access to the Internet is provided as an integral part of information services. As the Elsie S. Hogan Community Library is a gateway and guide to ideas, information and entertainment, the Library endeavors to develop collections, services and resources to fulfill this mission. In accordance with this mission, one such resource is public access to the Internet, whereby the Library provides free access for all cardholders in good standing, and free WI-FI for customers with their own laptops.

The Internet is a global entity with a highly diverse user population, and library customers use it at their own risk. Internet users should be aware that not all sources on the internet provide accurate, complete or current information. Provision of Internet service does not imply that the Elsie S. Hogan Community Library endorses or approves of any material accessed. **The Library assumes no responsibility for any direct, indirect, or consequential damages resulting from its connections to the Internet, nor can it guarantee privacy of any Internet sessions.**

Child Safety on the Internet

The Elsie S. Hogan Community Library provides Internet access on PCs which are filtered appropriately for youth, to comply with the federal Children's Internet Protection Act (CIPA), and adult areas of the Library. Each PC is labeled to indicate its level of filtering. Even with filtering, some Internet sites that are inappropriate in a library setting may be displayed. Because the Library is a public place, Library staff has the authority to end an Internet session when such material displays, at which time a warning message is sent electronically to the user. The second violation of this policy may result in suspension of their computer use privilege for a period of time.

Parents or guardians, *not* the Library or its staff, are responsible for the Internet information selected and/or accessed by their children, and must grant formal permission for access in writing, through the "Authorization of Internet Access by Minors" form. Wireless Internet service is **also** filtered. Parents are encouraged to discuss the use of the Internet with their children in relation to family values and boundaries, and to monitor their children's use of the Internet. Because there is no age requirement for using PCs in certain areas, and because no filtering software is 100% effective, parents are advised that objectionable material could still be accessible. As a public institution, open to use by minors, the Library restricts access to certain materials as described in the Arizona Harmful to Minors Act, (ARS Title 34, Chapter 5, Sections 13-3501, 13-3506, 13-3507, and 13-3508). Violation of this law is a **Class 6 felony**. **ACCESS TO OBSCENE, PORNOGRAPHIC, OR SEXUALLY EXPLICIT MATERIALS TO POST, VIEW, READ OR PRINT IS STRICTLY FORBIDDEN.**

The Elsie S. Hogan Community Library reserves the right to suspend a customer's privilege to use the Internet due to illegal or unethical use of the Internet or for any other violation of policy or guidelines, and also to modify this policy and guidelines at any time.

Internet, Wireless and Computer Use Guidelines

The following guidelines have been established to maximize fair usage of the Elsie S. Hogan Community Library computer resources:

1. All workstations are available for use via the automated reservation system or for wireless access login codes, at the front Circulation Desk. Access to computers in the Teen area is limited to young adults ages 13-17. Minors (age 17 and under) may not use the Internet without a proper authorization form on file, signed by their parent or legal guardian.

2. For Internet access using the automated reservation system, users need to be registered Elsie S. Hogan Community Library cardholders in good standing; for out-of-county/state users, a temporary Guest Card may be issued.
3. Users shall not commit fraud by using another patron's library card, name, or identification.
4. Computers are available during normal hours of library operation. Time limits apply. Time limits are managed by Envisionware's PC Reservation module. Each location provides several computers with various initial time periods, from 30 minutes to 1 hr. These limits may be extended by the user in 30 minute increments, up to double the initial time period, if no one is waiting. The last sign-up is 45 minutes before closing and patrons will have only 30 minutes on the computer. The automated computer management system will shut down all public access computers at a designated time each day.
5. Customers may not use their own software programs on the library's computers.
6. Customers may not download any files onto the hard drives of library computers. Downloads should be made directly onto their own floppy disk, CD-R, CD-RW, or are available for purchase. Customers may also bring in a USB flash drive. Headphones are required for sound, and are also available for purchase.

WARNING: Files downloaded from the Internet may contain a virus. When using the wireless service, customers should have virus checking software on their own computer to check downloaded files. The Elsie S. Hogan Community Library is not responsible for damage to a customer's disk or computer, or for any loss of data, damage, or liability that may occur from use of the library's computers or its connection to the Internet.

7. Library staff cannot provide in-depth training or troubleshooting concerning the Internet, wireless Internet access, or the customer's equipment.
8. Material may be printed at a cost of twenty-five cents (\$0.25) per page. Patrons will be charged for all pages printed. It is the responsibility of the patron to properly select pages to print. The automated print management system will give you prompts. Please ask for assistance if needed. The Library does not provide color printers. Regarding the wireless service, printers are not available for use with the customer's equipment. Documents that need to be printed should be saved to a floppy, CD or flash drive and printed from the library's equipment.

WHILE EXPLORING THE INTERNET, PLEASE REMEMBER:

Customers may not always be able to access all the sites they wish for various reasons: the host computer may be out of service or have changed its address, lines to the host computer may be congested, or the Library's connection may be temporarily down.

COMPUTER/INTERNET USER RESPONSIBILITIES:

1. Respect the privacy of other library customers during their computer sessions.
2. Illegal or unethical use of the Internet is prohibited. The Library cooperates fully with authorities wishing to prosecute criminals.
3. Sending lewd, threatening, or unsolicited e-mail/text messages is prohibited.
4. Damaging or altering computer hardware or software is illegal, and perpetrators will be prosecuted.

5. Customers may not attempt to circumvent or compromise the security of any host, network, or account. This includes, but is not limited to, probing the security of other networks, logging into a server or account that the customer is not expressly authorized to access, or masquerading as another person in order to obtain access to their account.
6. The Library makes no guarantees about and is not responsible for the security of information transmitted and received during your wireless Internet session. Wireless signals can be intercepted and cables can be tapped. Only connections to secure web sites are encrypted.
7. While using library computers, customers are expected to abide by policies regarding food, drink, and behavior, as outlined in the Elsie S. Hogan Community Library General Policy.

XVII. LIBRARY INTERNET FILTERING POLICY (2013)

The Elsie S. Hogan Community Library provides access to the Internet via public access computers and wireless service. Access to the Internet is provided as an integral part of the Library's research, education, and information services, and the Library upholds and affirms the right of adults to have access to constitutionally-protected materials. All customers are expected to use the Internet in a manner consistent with these purposes and with respect and consideration of other library users.

The City supports the application of Internet filters in accordance with state and federal laws. Per ARS 34-502, the Elsie S. Hogan Community Library will provide Internet filters to both its wireless system as well as its public computers that prevent minors from gaining access to visual depictions of child pornography, material that is harmful to minors or obscene, and that prevent anyone from gaining access to visual depictions of child pornography or that are obscene.

The library is not responsible for policing access to the wireless internet system, as it is open to anyone with a wireless device, both inside and outside the facility.

Patrons may request that a website blocked by the Library's filters be unblocked by following the procedure as specified by the Library Director or Library Supervisor, provided said site(s) do not violate state or federal laws. The Director or Supervisor will develop and enforce these procedures, which will be posted in a conspicuous location within the library and may be viewed by the public at any time.

The Elsie S. Hogan Community Library cannot control the resources on the Internet even through the use of filtering software. No Internet filter is 100% effective. A filter may still allow information that is objectionable or potentially offensive to children to be accessed. The Director will develop a complaint procedure, and will periodically review the effectiveness of the filtering software with the City's Information Technology (I-T) provider.

In accordance with ARS 34-502, this policy will be reviewed by the Willcox Public Library Advisory Committee, on behalf of the Willcox City Council, at least bi-annually.

ELSIE S. HOGAN COMMUNITY LIBRARY INTERNET FILTERING FAQ

The Elsie S. Hogan Community Library values free and equal access to information, even when that information may be controversial, unorthodox or unacceptable to others. With its implementation of filtering software, the Elsie S. Hogan Community Library balances its commitment to customers' diverse interests and individual rights with the need to comply with federal and state laws intended to protect minors from content that could be harmful or obscene.

Why do Elsie S. Hogan Community Library computers have filtering software?

Arizona Revised Statutes 34-501 and 34-502 mandates Internet access be filtered for minors. It requires that public libraries that provide public access to the Internet "deploy and enforce a technology protection measure to prevent minors from gaining access to visual depictions that are child pornography, harmful to minors, or obscene." Additionally it requires libraries to "deploy and enforce a technology protection measure to prevent anyone from gaining access to visual depictions that are child pornography or obscene." (ARS 34-502)

What sites are filtered?

The filtering software blocks sites that depict child pornography ([ARS 13-3553](#)), material harmful to minors ([ARS 13-3501](#)), and obscene material (20 United States Code section 9101).

How does Elsie S. Hogan Community Library's filtering software work?

The filtering software blocks sites that depict pornography, child pornography or obscenity.

Who decides which sites should be blocked?

The Library Director selects the categories of websites to block as defined by the vendor of the filtering software. Currently, the only categories selected are 'Adult Content,' 'Nudity', and 'Pornography.'

Will children be safer using filtered Internet access?

That is the goal. However, no filtering software is totally accurate, nor is it a substitute for parental judgment and oversight. The Elsie S. Hogan Community Library believes that the reading and viewing activity of children is ultimately the responsibility of parents who guide and oversee their own children's development. The Elsie S. Hogan Community Library does not intrude on that relationship, except when mandated by law.

Will objectionable material based on hate or violence be blocked?

No.

Will information on health and sexuality be blocked?

The filtering software is designed to block images and videos that depict pornography, child pornography or obscenity, not medical information or information on sexuality. However, there may be instances where information has been inappropriately blocked.

If this happens, please complete the Request for Reconsideration of Access to a Web Site form. Elsie S. Hogan Community Library staff will evaluate the request and if deemed appropriate, will unblock the website. The customer will then be notified of the decision within five business days.

Does the Elsie S. Hogan Community Library filter social networking sites such as Facebook or blogs?

No.

How can customers request that a site be permanently unblocked?

Customers may complete and submit a Request for Reconsideration of Access to a Web Site form. Elsie S. Hogan Community Library staff will evaluate the request and if appropriate, will unblock the website. The customer will then be notified of the decision within five business days.

Can the filters be turned off?

The filter will be disabled only if the blocked site is appropriate for viewing in a public space and the site has been reviewed in compliance with our review process. The staff will evaluate the request and notify you within five business days.

Will the wireless Internet connection be filtered?

Yes. Filtering software is deployed for both wired and wireless Internet access.

REQUEST FOR RECONSIDERATION OF ACCESS TO A WEBSITE

Please use this form if you would like to request that the library unblock a website. Read the Elsie S. Hogan Community Library Internet Use Policy for more information, and the Filtering FAQ about Internet content filtering.

Name:
Your email address:
Phone number:
Web site address:
Reason for unblocking?
18 or older? <input type="checkbox"/> Under 18 <input type="checkbox"/>

Your request will be reviewed and you will be notified of a decision within 5 business days.

34-502. Computer access; child pornography; visual depictions harmful to minors; obscene; procedures

A. A public school that provides a public access computer shall deploy and enforce a technology protection measure to prevent minors from gaining access to visual depictions that are child pornography, harmful to minors or obscene. The governing board of every school district shall prescribe policies, standards and rules for the enforcement of this subsection. Every school district shall make its policies, standards and rules available to the public.

B. A public library that provides a public access computer shall do both of the following:

1. Deploy and enforce a technology protection measure to prevent minors from gaining access to visual depictions that are child pornography, harmful to minors or obscene.

2. Deploy and enforce a technology protection measure to prevent anyone from gaining access to visual depictions that are child pornography or obscene.

C. An administrator, supervisor or other representative of a public library may disable a technology protection measure described in subsection B of this section if both of the following apply:

1. The request is from a library patron who is not a minor.

2. The technology is disabled only to enable access for research or other lawful purposes.

D. The director of the Arizona state library, archives and public records shall adopt rules for the enforcement of subsection B of this section. The director of the Arizona state library, archives and public records shall make the rules available to the public. A public library shall post the rules and its policies in a conspicuous place for library patrons to view.

E. A governing body that operates a public library shall develop a policy for the library to implement the rules developed pursuant to subsection D of this section that are adopted at an open meeting. The governing body shall review the policy at least every three years. The policy shall:

1. State that it restricts access to internet or online sites that contain material described in this section.

2. State how the library intends to meet the requirements of this section.

3. Require the public library to inform patrons that administrative procedures and guidelines for the staff to follow in enforcing the rules have been adopted and are available for review at the library.

4. Require the public library to inform patrons that procedures for use by patrons and staff to handle complaints about the rule, its enforcement or about observed patron behavior have been adopted and are available for review at the library.

F. A public school that complies with subsection A of this section or a public library that complies with subsection B of this section shall not be criminally liable or liable for any damages that might arise from a minor gaining access to visual depictions that are child pornography, harmful to minors or obscene through the use of a public access computer that is owned or controlled by the public school or public library.

G. If the state board of education or the superintendent of public instruction determines that a school district or charter school is in violation of subsection A of this section, the state board of education or the superintendent of public instruction shall notify the school district or charter school that it is in violation of subsection A of this section. If the state board of education or the superintendent of public instruction determines that the school district or charter school has failed to comply with subsection A of this section within sixty days after a notice has been issued pursuant to this subsection, the state board of education or the superintendent of public instruction may direct the department of education to withhold up to ten per cent of the monthly apportionment of state aid that would otherwise be due the school district or charter school. The department of education shall adjust the school district or charter school's apportionment accordingly. When the state board of education or the superintendent of public instruction determines that the school district or charter school is in compliance with subsection A of this section, the department of education shall restore the full amount of state aid payments to the school district or charter school.

H. If the governing body that operates a public library determines that the public library is in violation of subsection B of this section, the governing body shall notify the public library that it is in violation of subsection B of this section. If the governing body determines that the public library has failed to comply with subsection B of this section within sixty days after a notice has been issued pursuant to this subsection, the governing body may direct the appropriate department or agency to withhold up to ten per cent of the monthly apportionment of public monies that would otherwise be due to the public library.

CITY OF WILLCOX
ELSIE S. HOGAN COMMUNITY LIBRARY
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"Yours, Mine and Ours"

Terri DeWindt, Chairperson
VACANT, Member

VACANT, Vice-Chair
Christopher D. Donahue, Member & Ex-Officio

Kay M. Boughton, Secretary

PUBLIC LIBRARY ADVISORY COMMITTEE

July 31, 2013

RE: 2013 Library General Policy Updates

TO: Honorable Mayor and City Council

Lady and Gentlemen,

In unanimous agreement, as per our Special Meeting held on July 30, 2013, it is the recommendation of this Committee that the City Council approve and adopt the Library's revised and updated General Policy, as written and presented to you this date.

Mr. Miner has satisfactorily explained the necessity of these changes as per the Arizona Revised Statutes, specifically, §34-501 and 34-502, paragraphs B,C,D,E and H, which requires full compliance by our Library in order to receive future funding from State and Federal sources, and he has satisfactorily answered all of the questions this Committee raised pertaining to the revised and updated Policy, and has incorporated all of our suggestions.

Respectfully submitted,

Terri DeWindt
Chairperson
Public Library Advisory Committee

